IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

MFA.No. 583 of 2000()

OPMV.2161/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL, TIRUR
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APPELLANT - PETITIONER:

PARANGODATH MOHAMMED, S/O. AHAMED,
AGED 74, PARANGODATH HOUSE,
VENGARA AMSOM, VELIYORA DESOM,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS - RESPONDENTS :
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1. C.K. MOIDU, S/O. MOIDEEN,
CHEVIDIKUNNAN HOUSE,
P.O., CHEROOR, VENGARA.

2. PARAMBATH MOHAMMED, S/O. MOIDEEN,
IRINGALLORE DESOM,
PARAPPUR POST, PIN-676 503.

3. NATIONAL INSURANCE CO., MANJERI.

BY ADV. SRI.GEORGE CHERIAN (THIRUVALLA) R3

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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M.F.A. NO. 583 OF 2000

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Dated this the 3rd day of October, 2007

J U D G M E N T

Petitioner in O.P(MV) No.2161 of 1995 on the file of the Motor Accidents Claims Tribunal, Tirur is the appellant. This appeal is filed by the petitioner in the O.P. contending that the quantum of compensation awarded to him by the Tribunal is inadequate. Appellant filed the Original Petition alleging that he sustained injuries in a motor vehicle accident on 11.4.1993. It was averred that while he was walking along the side of the road an autorikshaw bearing Reg.No.KL-10/2722 driven by the second respondent came in a rash or negligent manner and hit against the petitioner causing injuries. He claimed Rs.1,00,000/- as compensation.

2. Respondents 1 and 2 did not appear and contest the case. Insurer alone contested the case. Tribunal found that the petitioner sustained injuries on account of the negligence of the driver of the vehicle. An amount of Rs.15,200/- was ordered to be paid as compensation. Insurer was directed to

deposit the compensation awarded. Petitioner himself has filed this appeal contending that the compensation awarded is highly inadequate.

3. Findings of the Tribunal that the petitioner sustained injuries on account of the negligence of the driver of the autorikshaw and the vehicle was covered with a valid policy of insurance have become final and conclusive. The only question arising for consideration is whether the petitioner is entitled to get any additional compensation.

4. Tribunal has awarded Rs.2,300/- for medical expenses, Rs.300/- for extra nourishment, Rs.300/- for bystander's expenses, Rs.300/- for transportation and Rs.12,000/- for pain and suffering. Considering all aspects of the matter, I am of the view that the Tribunal ought to have awarded a sum of Rs.6,000/- towards compensation for disability. But I do not find any reason to grant any further amount on other counts.

In the result, appeal is allowed in part. An award is passed in favour of the appellant allowing him to recover an additional compensation of Rs.6,000/- with 6% interest from

the date of petition till date of deposit. Insurer is directed to deposit that amount also. On deposit, the appellant can withdraw the entire amount.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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M.F.A. NO. 583 OF 2000

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J U D G M E N T

3RD OCTOBER, 2007